

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|--|---|--------------------------|
| Jerry Addy, |) | C/A No. 9:13-1355-JFA-BM |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Mr. John E. Pate, Warden; and Mrs. Sandy |) | |
| Sander, Assistant Warden of Operations, |) | |
| |) | |
| Defendants. |) | |
| |) | |

The *pro se* plaintiff, Jerry Addy, brings this action pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), alleging violations of his constitutional rights. At the time this case was filed, the plaintiff was an inmate with the Federal Bureau of Prisons.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that the court dismiss this action for failure to prosecute under Rule 41(b), Fed. R. Civ. P. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a full recitation.

The Magistrate Judge mailed an order to the plaintiff on August 2, 2013, however, the

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

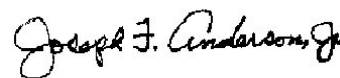
order was returned to the Clerk of Court with the envelope marked “RTS Released.” The plaintiff has not responded to that order. The Report and Recommendation was issued on August 19, 2013 and the plaintiff was advised of his right to file objections thereto. However, the plaintiff has not responded to the Report and the time within which to do so has now expired.

The Magistrate Judge suggests that this action should be dismissed as a result of the plaintiff’s failure to advise the court of his new address and comply with the earlier order of the court.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is adopted and incorporated herein by reference.

Accordingly, this action is dismissed with prejudice for lack of prosecution and for failure to comply with this court’s orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

September 10, 2013
Columbia, South Carolina